

AP/TPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fabrice DIEHL et al.

Examiner: Jennine M. Brown

Serial No.: 10/612,288

Group Art Unit: 1755

Filed: July 3, 2003

Title: HYDROTREATING CATALYST THAT CONTAINS A NITROGEN-
CONTAINING ORGANIC COMPOUND AND ITS USE

PETITION TO GROUP DIRECTOR TO WITHDRAW FINALITY OF A REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition the Commissioner through the Group Director to withdraw the finality of the rejection of March 18, 2005, the second Office Action in the case.

The grounds for this petition are as follows:

In the first Office Action of October 5, 2004, there was no prior art rejection of claim 5 which includes a group of species of amino-alkoxy-silanes. The only amendment to claim 5 was a change in dependency from claim 2 (now cancelled) to claim 1. Thus, the claim was not substantively amended.

The final rejection provides a new set of references wherein claim 5 is rejected. On this ground alone, it is respectfully submitted that it is proper for the finality of the rejection to be withdrawn.

In addition, it is seen that the prior art rejections of claims 3 and 4 are withdrawn, with no substantive amendment being made of these claims except for the change in dependency from claim 2 to claim 1.

In view of the new prior art set forth in the Final rejection, it is respectfully requested that this petition be granted.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: PET-2092

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IWM:pdr